

REMARKS

Claims

Claims 162-178 are pending. Claims 162-170 and 175-178 stand rejected. Claims 171-174 have been withdrawn. Claim 162 has been amended and support can be found in the specification and claims as originally filed. Claims 167 and 170 have been amended to correct typographical errors. Claim 162 and 177 have been amended to replace SEQ ID NO:213 with SEQ ID NO:464.

With respect to all amendments, elections and withdrawn claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Information Disclosure Statement

An IDS was filed on November 19, 2007.

Claim objections

The Examiner objects to certain typographical errors in claims 167 and 170. Applicants have amended claims 167 and 170 to correct these errors and respectfully request the withdrawal of these objections.

Rejection under 35 U.S.C. §112, first paragraph – Written description

The Examiner has rejected claims 162-170 and 175-178 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicants traverse the rejection and respectfully submit that the claims comply with the written description requirement.

As currently amended, claim 162 recites a “compound comprising a peptide chain having a sequence of amino acids CX^{IV}₁X^{IV}₂X^{IV}₃X^{IV}₄X^{IV}₅X^{IV}₆X^{IV}₇X^{IV}₈X^{IV}₉X^{IV}₁₀C that binds to a G-CSFR, wherein said sequence of amino acids is selected from the group consisting of” SEQ ID NOS: 209-212, 343, and 464. Peptides having the sequence of amino acids of the recited SEQ ID NOS showed IC₅₀ values less than or equal to 200 uM (“+”) and in some cases the IC₅₀ values were 500 nM or less (“+++”), as shown in Examples 54-58 and 61 of the specification (see Table 2 on page 49). Therefore, the specification provides adequate written description and evidence of possession of the claimed genus. Applicants respectfully request the withdrawal of the rejection.

Rejection under 35 U.S.C. §112, first paragraph - Enablement

The Examiner has rejected claims 162-170 and 175-178 under 35 U.S.C. § 112, first paragraph because the specification allegedly does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims. Applicants traverse the rejection and respectfully submit that the claims comply with the enablement requirement.

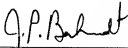
As currently amended, claim 162 recites a “compound comprising a peptide chain having a sequence of amino acids CX^{IV}₁X^{IV}₂X^{IV}₃X^{IV}₄X^{IV}₅X^{IV}₆X^{IV}₇X^{IV}₈X^{IV}₉X^{IV}₁₀C that binds to a G-CSFR, wherein said sequence of amino acids is selected from the group consisting of” SEQ ID NOS: 209-212, 343, and 464. Peptides having the sequence of amino acids of the recited SEQ ID NOS showed IC₅₀ values of (i) less than or equal to 200 uM (“+”) or (ii) 500 nM or less (“++”), as shown in Examples 54-58 and 61 of the specification (see Table 2 on page 49). Therefore, the specification enables those of ordinary skill in the art to make and/or use the invention, as currently claimed. Applicants respectfully request the withdrawal of the rejection.

CONCLUSION

Please direct any calls in connection with this application to the undersigned at (650) 324-7000.

Respectfully submitted,
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Dated: February 13, 2008

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